

REGULAR MEETING of the Town Council to be held on Wednesday, November 8, 2006 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

MEMBERS ABSENT: Councilor William A. Andrews was excused because he was away on business.

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag. Following the pledge of allegiance, those present joined the Town Council in singing God Bless America.

2. VOTED to accept the minutes of the regular meeting and the public hearing held October 25, 2006; and dispense with the reading of said minutes.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

3. Public Comment: None

4. General Good and Welfare

Councilor Margaret L. Dudley commented on the November 7, 2006 election and anticipated that the Council would work together for the good of the Town of Burrillville. Councilor Dudley thanked Councilors Edward F. Bonczek, Ronald E. Faford, William A. Andrews and Jacqueline Zahn for their service to the town.

Councilor Nancy F. Binns extended thanks to the poll workers and town hall personnel for their efforts on election day.

Councilor Jacqueline Zahn read the following statement for the record:

If someone had told me, fifteen years ago, that I would be a public official I would have thought they were out of their mind. I admired people who could speak in public and my Dad was active in local politics in the town I grew up in. But I could never see myself in that position. My higher power proved me wrong and now I sit, twelve years later, three terms on the Burrillville Town Council in my past. My higher power also let me know it was time to move on... not that everything I had hoped to accomplish was done, but that now it was time for others to take over. I'm on a different path, although I'm not

sure where it will lead me.

One thing I am pretty sure of . . . fifty years from now, when history books look on what was accomplished in Burrillville over the last fifteen years, they will see a period of tremendous, positive growth in town. Mind you, it's not because of this seat I sit in, but the seats that are and have been occupied at this table. It's because of people like Kevin Menard, Louis Bleiweis, Bill Gonyea, Chuck Mainville, Ed Bonczek, Wally Lees, Bill Andrews, Ronnie Faford, Peggy Dudley and Nancy Binns. It's because of people like Bob Potter, Nancy Faford, and Louise Phaneuf, Department Heads, and town employees, people like Walter Kane, and Mike Wood.

My proudest accomplishments in my life have to be my 30 year marriage to my husband, Conrad, my two children, Josh & Rebecca and my service to the Town of Burrillville. I never felt connected to the city of my birth, nor the town I was brought up in . . . for me, Burrillville is my home. Josh & Rebecca's roots are here, their grandfather played football, ran track, and graduated from, Burrillville High School. Their great-grandparents are buried here.

My excitement over the path the Town of Burrillville is on is due to the hard work of everyone at the table today and in the past. We're not perfect, but I cannot think of one moment when decisions were made that were not, what we thought, in the best interest of the town as a whole. That's not easy and we made enemies, but when I look back on those decisions made, I don't think that any of us would change our minds. Mr. Andrews told me, when I first got on the Council, "You can't make decisions based on if you are going to win

or lose the next elections; you have to make decision based on the facts that you are presented with.” I never forgot that, Bill.

Community service is the heart of every community. I challenge residents, “If I can do it, so can you.” Get involved in and understand how local government works. Sometimes, I’ve had more people at my Thanksgiving table than there were residents who attended public hearings for a \$40 million dollar budget. The knowledge I’ve gained over the last twelve years are worth more than the college education I have tried to attain over the years!

My husband and I decided four years ago, when I knew that this would be my last term, that we would fund a scholarship for students at Burrillville High School. It will be called the Zahn Family Community Service Scholarship. The first award will be presented to this year’s graduating class at Burrillville High School in June of 2007. Our hope is that this will serve not only as an incentive, but present opportunities for students to become involved in service to their community.

So now, I bid you all goodbye. I am proud to have served with you. But I’m not going away. I still hope to attend meetings, hearings and hopefully serve on one of our boards, as a volunteer. If you don’t see me, call me to task, as I will do the same to you. God Bless.

Council President Wallace F. Lees noted that he and Councilor Jacqueline Zahn had been elected at the same time 12 years earlier, spoke of their relationship and commended her as “the conscience of the Council”. He said that he would miss outgoing Councilors

Ronald E. Faford, William A. Andrews and Edward F. Bonczek and spoke of their accomplishments. Council President Wallace F. Lees prayed that the new Council would be equally proactive.

Walter J. Kane, Town Solicitor, discussed his service as solicitor to the Town of Burrillville and spoke with gratitude of the lessons he had learned from the various Councilors through the years. Mr. Kane discussed his experience with the current Council which, he said, has made decisions for the benefit of the community without consideration of political consequences. Mr. Kane discussed the process of appointing volunteers on qualifications. He outlined the proactive redevelopment efforts of the administration and Council, including the high school renovation, the redevelopment of Steere Farm Elementary, the renovations at Callahan School and he reviewed the strengths of professionals hired by the Town.

5. Petitions: None

6. Special Business:

06-307 VOTED to receive and open the correspondence from Louise R. Phaneuf, Town Clerk, regarding the donation of the portrait of former Town Clerk Nancy M. Faford.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present.

Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Discussion: Council President Wallace F. Lees discussed Nancy M. Faford's long career in municipal employment, which concluded with her term as Town Clerk from 1995 through 2000. Mr. Lees acknowledged and thanked Ms. Faford for the portrait, which would hang in the Town Building lobby, along with portraits of other past clerks.

VOTED to receive and file.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

06-308 VOTED to grant renewal of Private Detective License #13 to Karen M. Gauthier.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members

present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

7. Unfinished Business:

06-290 VOTED to open discussion, consideration and action on a collective bargaining agreement between the Town of Burrillville and Council 94, Local 186.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Discussion: Michael C. Wood, Town Manager, reported that the membership of Council 94, Local 186 had ratified the agreement. Mr. Wood summarized the details of the agreement. Mr. Wood thanked the negotiating team and commended the members of both the Police Union and Council 94, Local 186, for their cooperation.

VOTED to approve and ratify and to ask the Town Council President to sign the agreement.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

06-296 VOTED to receive and open the correspondence from Councilor Margaret “Peggy” Dudley regarding health care insurance costs for elected officials.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Discussion: Councilor Margaret L. Dudley explained that she had conducted an analysis of health care costs because different health insurance plans were being considered and discussed with the municipal unions. Councilor Dudley discussed the savings that might be realized if Town Council members changed to Healthmate Coast to Coast Plan 500 with deductibles, which is the plan accepted by the I.B.P.O. and Council 94, Local 186. Councilor Nancy F. Binns

stated her belief that Councilors should not receive a health insurance program which is different from those accepted by other town employees.

VOTED to adopt the following resolution:

RESOLVED that effective on or before July 1, 2007 members of the Town Council shall be entitled to receive Healthmate Coast to Coast with a ten percent (10%) co-pay or Healthmate Coast to Coast Plan 500 with a \$1,000/\$2,000 deductible and with no co-pay; or plan equivalents. The health care program benefit will be administered in accordance with the terms and conditions of the Council 94, Local 186 collective bargaining agreement.

The resolution supersedes any previous resolution of the council affecting medical coverage. The Town may elect to offer health care coverage under another plan that provides substantially equal coverage.

Adopted this 8th day of November 2006

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor

William A. Andrews was excused.

06-297 VOTED to open the draft agreement between the State of Rhode Island through its Department of Transportation and the Town of Burrillville for the Round Top Road Bridge No. 378 Replacement Project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Discussion: Michael C. Wood, Town Manager, noted that a copy of the proposed agreement had been provided with the Council agenda. Note: A copy is on file with the record of the meeting. Mr. Wood indicated that engineering costs had not been determined but should not exceed \$150,000. Mr. Wood reviewed that the discussion related to replacement of bridge #378, noting that the State had recently instituted weight limits, that the bridge was not currently on the State's schedule and that it might facilitate the project if the Town paid for professional services for bridge design. This action would result in the State entering into a contract with the Town and scheduling bridge construction.

Walter J. Kane, Town Solicitor, indicated that the agreement was in proper form, except that the agreement must reflect that it had been approved to form by the Town Solicitor. There was discussion that an engineer would be hired from the list of professional service people who had been awarded bids through the RFP process. The Council discussed the importance of addressing problems with bridges.

VOTED to allocate up to \$150,000 for professional services on Bridge #378 to expedite the agreement with the Department of Transportation;

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Margaret L. Dudley.

Further Discussion: There was discussion of the correct name of the bridge.

The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Further Discussion: The funding source for these services was discussed. It was noted that to use funds from the unreserved, undesignated fund balance, six councilors must vote in favor.

VOTED that the funding would be from the unreserved, undesignated fund balance.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

8. New Business:

06-309 VOTED to open discussion and action on the sale of \$3,500,000 in General Obligation Bonds, pursuant to RIGL 45-12-2, to the RI Clean Water Finance Agency, as provided in the attached resolution from Edwards Angell Palmer & Dodge, be approved.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Discussion: Walter J. Kane, Town Solicitor, reviewed the earlier

meeting between the Sewer Commission and the Town Council, at which time there was discussion that the entire sewer project could not be completed with funds available. The Sewer Commission had agreed to include the cost of additional bonds in their user fees. Mr. Kane said that the RI Clean Water Finance Agency bonds are available at very low rates.

VOTED that the Bonds for the sale of \$3,500,000 in General Obligation Bonds, pursuant to RIGL 45-12-2, to the RI Clean Water Finance Agency, as provided in the attached resolution from Edwards Angell Palmer & Dodge, be approved;

RESOLUTION

TOWN OF BURRILLVILLE, RHODE ISLAND

RESOLUTION OF THE TOWN OF BURRILLVILLE APPROVING THE FINANCING OF THE RENOVATION, REHABILITATION, AND IMPROVEMENT (INCLUDING ANY RELATED CONSTRUCTION, ADDITIONS AND EQUIPPING) OF THE TOWN'S SEWER SYSTEM AND APPROVING THE ISSUANCE OF BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$3,500,000

RESOLVED, That:

SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-2

and Section 3.14(L) of the Burrillville Town Charter (the "Charter"), an amount not to exceed \$3,500,000 is appropriated for the purpose of financing the renovation, rehabilitation, and improvement (including any related construction, additions and equipping) of the Town's sewer system (the "Project").

SECTION 2. The Finance Director and the President of the Town Council be, and hereby are, authorized to issue on behalf of the Town, an amount not exceeding Three Million Five Hundred Thousand Dollars (\$3,500,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$3,500,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in

Section 1 hereof. Notwithstanding anything contained in this resolution, the Town may enter into financing agreements with the Rhode Island Clean Water Finance Agency pursuant to Title 46, Chapter 12.2 of the general laws and, with respect to notes or bonds issued in connection with such financing agreements, if any, the Town may elect to have the provisions of Title 46, Chapter 12.2 of the general laws apply to the issuance of bonds or notes issued hereunder to the extent the provisions of Title 46, Chapter 12.2 of the general laws are inconsistent herewith. Such election may be fixed by the proceedings of the Town Council authorizing such issuance or by separate resolution of the Town Council, or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Finance Director may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other

documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Finance Director together with the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to

the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$3,500,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Director of Finance and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds in the form as shall be deemed advisable by the Director of Finance and the President of the Town Council in order to comply with the Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Bonds, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon passage.

Adopted this 8th day of November 2006

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

06-310 VOTED to refer to the Screening Subcommittee the application from Marc J. Tremblay for appointment to the Planning Board.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

06-311 VOTED to refer to the Screening Subcommittee the application from L. Kevin McDonald for appointment to the Recreation Commission.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members

present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

9. Town Clerk/Communication:

06-312 Resolutions of the South Kingstown Town Council

VOTED to receive and file the resolution of the South Kingstown Town Council in support of State Bond Referendum Question #4 – Higher Education Bonds.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

VOTED to receive and file the resolution of the South Kingstown Town Council in support of State Bond Referendum Question #9 – Affordable Housing Bonds.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members

present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

06-313 VOTED to support Resolution #33 of the City Council of East Providence seeking repeal of RI Special Education Laws that are more restrictive than Federal Laws.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

10. Additional New Business:

06-314 Request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law; [42-46-5 (a)(2)] for review and discussions relating to litigation matters and [42-46-5 (a)(5)] for discussion and considerations related to the sale or exchange of real property; and [42-46-5 (a)(2)] relative to collective bargaining regarding the Council 94 collective bargaining agreement.

Note: The request as it related to [42-46-5 (a)(2)] for review and

discussions relating to litigation matters and [42-46-5 (a)(2)] relative to collective bargaining regarding the Council 94 collective bargaining agreement was withdrawn.

VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for discussion and considerations related to the sale or exchange of real property.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

The Town Council returned to open session at 7:52 P.M.

VOTED to seal the minutes of executive session, noting that one vote had been taken.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

VOTED to adjourn at 7:52 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews was excused.

Louise R. Phaneuf, Town Clerk